

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA)
)
v.) CR. NO. 2:07mj104-TFM
)
SONGIT BHAIYAN a/k/a Humayun Sazzad)
RUNE BHAIYAN a/k/a Sultana Kabir)
KABIR BHAIYAN a/k/a Humayun Kabir)

GOVERNMENT'S MOTION FOR DETENTION

Comes now the United States of America, by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, and pursuant to 18 U.S.C. 3142(e) and (f) moves for detention for all three of the above-captioned defendants, SONGIT BHAIYAN, RUNE BHAIYAN, and KABIR BHAIYAN.

1. Eligibility of Cases

This case is eligible for a detention order because this case involves:

10 + year crime of violence (18 U.S.C. § 3156)

10 + year federal crime of terrorism (18 U.S.C. § 2332b(g)(5)(B))

Maximum sentence of life imprisonment or death

10 + year drug offense

Felony, with two prior convictions in the above categories

Felony involving a minor victim

Felony involving possession or use of a firearm or other destructive device (as defined by 18 U.S.C. § 921) or any other dangerous weapon

Failure to register as a sex offender (18 U.S.C. § 2250)

X Serious risk the defendants will flee

Serious risk of obstruction of justice

2. Reason for Detention

The Court should detain the defendants because there are no conditions of release which will reasonably assure:

Defendants' appearance as required

Safety of any other person and the community

3. Rebuttable Presumption

The United States will invoke the rebuttable presumption against defendant under Section 3142(e).

Previous conviction for "eligible" offense committed while on pretrial bond, and a period of five years has not elapsed from defendant's conviction or release from imprisonment for the offense described

Probable cause to believe defendant committed 10 + year drug offense or an offense in which a firearm was used or carried under Section 924(c)

Probable cause to believe defendant conspired to kill, kidnap, maim, or injure persons in a foreign country as prohibited under 18 U.S.C. § 956(a)

Probable cause to believe defendant committed act of terrorism transcending national boundaries (18 U.S.C. § 2332) or a 10 + year federal crime of terrorism as defined in 18 U.S.C. § 2332b(g)(5)(B))

Probable cause to believe defendant committed 10 + year offense involving a minor victim

4. Time for Detention Hearing

The United States requests the Court conduct the detention hearing:

At the initial appearance

After continuance of 3 days

The Government requests leave of Court to file a supplemental motion with additional grounds or presumption for detention should this be necessary.

Respectfully submitted this the 7th day of December 2007.

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